

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

PTAH BEY-YISRAEL,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 15-2225-JDT-cgc
	)	
GLENN WRIGHT, et al.,	)	
	)	
Defendants.	)	

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ORDER ADOPTING REPORT AND RECOMMENDATION  
AND  
ORDER DIRECTING PLAINTIFF TO FILE A PROPERLY COMPLETED  
*IN FORMA PAUPERIS* AFFIDAVIT OR PAY THE \$400 CIVIL FILING FEE  
WITHIN FOURTEEN (14) DAYS

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On April 3, 2015, Plaintiff PtaH bey-Yisrael, a resident of Memphis, Tennessee, filed a *pro se* civil complaint along with a motion to proceed *in forma pauperis* [DE#s 1 & 2]. On April 4, 2015, Magistrate Judge Charmiane G. Claxton ordered Plaintiff to file a properly completed *in forma pauperis* affidavit or pay the civil filing fee [DE# 4]. Plaintiff filed another motion to proceed *in forma pauperis* on April 27, 2015 [DE# 5].

On April 28, 2015, Magistrate Judge Claxton issued a report and recommendation on Plaintiff's motion [DE# 6]. Magistrate Judge Claxton has recommended that Plaintiff's motion to proceed *in forma pauperis* be denied because his motion and affidavit of April 27<sup>th</sup> do not provide sufficient financial information to satisfy Plaintiff's burden of demonstrating that he is unable to pay the civil filing fee. Plaintiff has not filed any objections to the report

and recommendation.

A plaintiff seeking *in forma pauperis* standing must respond fully to the questions on the Court's *in forma pauperis* form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. *See, e.g., Reynolds v. Fed. Bureau of Prisons*, 30 F. App'x 574 (6th Cir. 2002); *Broque v. Fort Knox Fed. Credit Union*, No. 86-1896, 1997 WL 242043 (6th Cir. May 8, 1997). In this case, although Plaintiff indicates that he has no income or expenses at all, he does not provide any other information to indicate how he is supported.<sup>1</sup> Therefore, the affidavit does not satisfy his burden of demonstrating that he is unable to pay the civil filing fee. Accordingly, the report and recommendation is hereby ADOPTED and Plaintiff's motion to proceed *in forma pauperis* is DENIED.

Plaintiff may re-file his motion and submit, within fourteen (14) days after the date of this order, either the \$400 civil filing fee or a properly completed and signed application to proceed *in forma pauperis*. The Clerk is directed to send Plaintiff another copy of the non-prisoner affidavit form along with this order. **Failure to comply with this order in a timely manner will result in the dismissal of this action without further notice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.**

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> For example, Plaintiff does not state whether he lives with and is supported by friends or family, etc. He does not appear to be homeless, as the address he provided is a house.